

Message Text

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EXDIS

DEPARTMENT FOR EUR/CE

LONDON ALSO FOR ASSISTANT SECRETARY HARTMAN AND EUR/CE
DIRECTOR ANDERSON

E.O. 11652: GDS
TAGS: PFOR PGOV WB GW US UK FR
SUBJECT: NATOMIN: QUADRIpartite MEETINGS ON BERLIN AND
GERMANY (ASSESSMENT)

REFS: (A) STATE 99099; (B) BONN 7386; (C) BONN 7474;
(D) BONN 7476

BEGIN SUMMARY. AS REPORTED SEPTTEL, REQUESTS FROM LONDON
FOR AMENDMENT TO THE BONN GROUP AD REF DRAFT
ASSESSMENT ON BERLIN HAVE RESULTED IN EXTENSIVE CHANGES.
TRANSMITTED BELOW IS THE COMPLETE REVISED TEXT. COMMENTS
ON THE VARIOUS CHANGES AND ON THE STATUS OF THE PAPER
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ARE REPORTED SEPTTEL. END SUMMARY.

BEGIN TEXT

BONN GROUP ASSESSMENT

I. THE INTERNAL SITUATION

1. ALTHOUGH BERLIN'S ECONOMY IS INTEGRATED INTO THE FRG ECONOMY, BECAUSE OF THE LOCATION AND STRUCTURAL DIFFERENCE IT DOES NOT FULLY SHARE FRG ECONOMIC PATTERNS. IN 1976, THAT FACT MEANT THAT ECONOMIC TRENDS IN BERLIN WERE WEAKER THAN IN THE FRG; IN REAL TERMS, THE BERLIN GNP ROSE BY 3.7 PERCENT WHILE THE FRG INCREASE WAS 5.6 PERCENT. OTHER ECONOMIC INDICATORS IN BERLIN IN 1976 WERE ALSO LESS FAVORABLE THAN IN THE FRG. THE LEVEL OF EMPLOYMENT DECREASED MORE SHARPLY WHILE THE GROWTH IN PRODUCTIVITY AND THE VOLUME OF ORDERS RECEIVED WAS LOWER. THE FORECASTS FOR 1977 SUGGEST THAT BERLIN'S ECONOMY WILL CONTINUE TO GROW LESS RAPIDLY THAN THAT OF THE FEDERAL REPUBLIC. THIS IS A LONG-TERM TREND.

2. IT IS POSSIBLE TO ARGUE THAT THE SPECIAL FEATURES OF BERLIN'S ECONOMIC SITUATION -- THE ABSENCE OF ITS OWN SOURCES OF RAW MATERIALS AND HEAVY DEPENDENCE ON EXPORTING -- AS WELL AS VARIOUS PSYCHOLOGICAL FACTORS ARE CONTINUING TO OPERATE SO AS TO INHIBIT BERLIN'S ECONOMIC GROWTH. IN 1976, BERLIN EXPERIENCED A DECLINE IN INVESTMENTS ON EQUIPMENT ESTIMATED AT 7.8 PERCENT (11 PERCENT IN THE CASE OF PROCESSING INDUSTRIES) AS OPPOSED TO A SIX PERCENT RISE IN THE FRG. ADDITIONALLY, ALTHOUGH UNEMPLOYMENT LEVELS HAVE BEEN COMPARABLE TO THE FRG, THERE ARE NO SIGNS OF ANY REDUCTION IN UNEMPLOYMENT. THE LOW VOLUME OF AVAILABLE JOB VACANCIES IS ALSO EXERCISING AN UNFAVORABLE IMPACT ON THE TREND IN POPULATION, WHICH IS IN ANY
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CASE NEGATIVE -- RECORDING A DECLINE OF ABOUT TWO PERCENT IN 1976. ANOTHER SOURCE OF WORRY IS THE STRUCTURAL DECLINE IN THE NUMBER OF PERSONS EMPLOYED IN BERLIN INDUSTRY -- A PILLAR OF FUTURE GROWTH FOR BERLIN'S ECONOMY -- WHICH ALSO CONTINUED IN 1976. (IN THIS CASE, THE DECLINE BETWEEN 1970 AND 1975 WAS OVER 23 PERCENT.)

3. BY ASSURING CIVILIAN ACCESS AND BY REDUCING THE TENSION IN THE AREA, THE QA PROVIDED TWO IMPORTANT PRECONDITIONS FOR BERLIN'S FUTURE ECONOMIC GROWTH. NEVERTHELESS, THE PSYCHOLOGICAL SENSITIVITY REMAINS. THE STRENGTHENING OF BERLIN'S ECONOMY PRESUPPOSES A FAVORABLE INVESTMENT CLIMATE, WHICH IN BERLIN MORE THAN IN MOST PLACES IS AFFECTED BY EVEN MINOR SHIFTS IN THE POLITICAL CLIMATE.

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4. DESPITE THE ECONOMIC UNCERTAINTIES AND
THE POLITICAL EVENTS DISCUSSED BELOW, PUBLIC OPINION
STUDIES INDICATE THAT THE BERLINERS CONTINUE TO MANIFEST
THEIR TRADITIONAL RESILIENCE. IN PARTICULAR A
SUBSTANTIAL MAJORITY OF THE POPULATION CONTINUES TO VIEW
THE OVERALL SITUATION OF THE CITY AND ITS FUTURE
OPTIMISTICALLY. WHILE REALIZING THE NATURE OF THE
DIFFICULTIES, BERLINERS CONTINUE TO HAVE FAITH IN THE
WESTERN ALLIES, THE FRG AND THEMSELVES.

5. THE VITALITY OF THE BERLIN ECONOMY HAS BEEN
MADE THE SUBJECT OF A STUDY NOW BEING CONSIDERED BY
THE BONN GROUP. IN THE MEDIUM AND LONG-TERM
PERSPECTIVES, THIS VITALITY CAN ONLY BE ENSURED BY
COOPERATION AMONG THE FRG, THE ALLIES AND THE BERLIN
SENAT.

II. POLITICAL PROBLEMS

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A. WHAT THE QA MEANT

6. THE 1971 QUADRIPARTITE AGREEMENT WAS BOTH A PRODUCT OF AND A CATALYST TO THE PROCESS OF DETENTE. IT MARKED A SUSPENSION -- FOR SO LONG AS DETENTE LASTS -- OF THE CRISIS-RIDDEN ASPECTS OF THE "BERLIN PROBLEM," BUT IT DID NOT SOLVE THE PROBLEM.

7. FOR THE WESTERN SIDE, THE IMPROVEMENTS BROUGHT ABOUT BY THE QA WERE SIGNIFICANT. THEY INCLUDE THE GUARANTEES OF UNIMPEDED CIVILIAN ACCESS TO THE WESTERN SECTORS OF BERLIN, THE OPENING-UP OF POSSIBILITIES FOR VISITS TO THE EASTERN SECTOR OF BERLIN AND THE GDR, AND, MOST NOTABLY, THE REDUCTION OF TENSIONS ARISING IN CONNECTION WITH BERLIN.

8. THE QA WAS VALUABLE FOR THE EASTERN SIDE AS WELL. IT SET IN TRAIN A PROCESS BY WHICH THE SOVIET UNION OBTAINED SOME OF ITS LONG-SOUGHT OBJECTIVES, INCLUDING WESTERN AGREEMENT ON CSCE, RATIFICATION BY THE FEDERAL REPUBLIC OF ITS BILATERAL TREATIES WITH THE USSR AND POLAND, AND A GENERAL IMPROVEMENT IN EAST-WEST POLITICAL AND ECONOMIC RELATIONS. THE GDR GAINED INTERNATIONAL RECOGNITION. THE BETTER CLIMATE OF INNER-GERMAN RELATIONS HAS BROUGHT PRACTICAL BENEFITS FOR THE GDR. BUT THESE ALSO BROUGHT SOME SERIOUS PROBLEMS AS WELL, AND AS FOR BERLIN ITSELF, NEITHER THE SOVIET UNION NOR, ESPECIALLY, THE GDR OBTAINED FROM THE QA ALL THAT THEY DESIRED.

9. THE SOVIET HOPE OF CONVERTING THE WESTERN SECTORS OF BERLIN INTO AN "INDEPENDENT POLITICAL ENTITY" WAS NO CLOSER TO REALIZATION AFTER THE QA THAN BEFORE. ALTHOUGH SOME OF THE MORE DEMONSTRATIVE MANIFESTATIONS OF THE TIES BETWEEN THE WESTERN SECTORS

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OF BERLIN AND THE FRG, SUCH AS MEETINGS OF THE FULL BUNDESTAG IN BERLIN, WERE ELIMINATED, THE QA LEFT BASICALLY UNTOUCHED THE CLOSE RELATIONSHIP BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FRG -- A RELATIONSHIP ESSENTIAL TO THE VIABILITY OF THE CITY.

10. FURTHERMORE, THE QA LEFT THE GDR STILL SHORT OF ITS GOAL OF FULL SOVEREIGNTY. THE QA DID NOT TOUCH UPON THE ALLIED RIGHTS ON THE ACCESS ROUTES AND IN THE AIR CORRIDORS, AND THESE RIGHTS WERE IN FACT CONFIRMED IN THE QUADRIPARTITE DECLARATION MADE IN CONNECTION WITH THE ENTRY OF THE TWO GERMAN STATES INTO THE UNITED

NATIONS. IN ADDITION, BOTH SIDES ACCEPTED IN THE QA
DELIBERATELY AMBIGUOUS LANGUAGE -- "THE RELEVANT AREA"--
WHICH LEFT UNAFFECTED THE WESTERN LEGAL POSITION THAT
QUADRIPARTITE RIGHTS AND RESPONSIBILITIES APPLIED
EQUALLY TO ALL OF BERLIN, INCLUDING ITS EASTERN
SECTOR -- THE SO-CALLED "CAPITAL OF THE GDR."

B. SOVIET AND GDR TACTICS SINCE THE QA

11. IN THE YEARS SINCE THE QUADRIPARTITE
AGREEMENT THE SOVIET UNION AND THE GDR HAVE GRADUALLY
INTENSIFIED THEIR EFFORTS TO IMPROVE ON THEIR POSITION.
(BEGIN UK BRACKETS) WHILE BOTH SIDES HAVE SOUGHT TO
RESOLVE THE AMBIGUITIES OF THE QA IN THEIR FAVOR, THE
SOVIET UNION APPEARS IN MANY INSTANCES TO HAVE GONE
BEYOND THAT. IT HAS SOUGHT TO DEPRIVE THE PROVISION ON
MAINTENANCE AND DEVELOPMENT OF THE TIES BETWEEN THE

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WESTERN SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF
GERMANY OF THE MEANING WHICH THE WESTERN SIDE BELIEVED
WAS INTENDED. (END UK BRACKETS)

COMMENT: THE UK WOULD LIKE THE LAST TWO SENTENCES

OF THE ABOVE PARAGRAPH TO READ AS
FOLLOWS:

BOTH SIDES HAVE SOUGHT TO RESOLVE THE AMBIGUITIES
OF THE QA IN THEIR FAVOR. THE SOVIET UNION HAS IN
PARTICULAR SOUGHT TO IMPOSE A HIGHLY RESTRICTIVE
INTERPRETATION ON THE PROVISION RELATING TO THE
MAINTENANCE AND DEVELOPMENT OF THE TIES BETWEEN
THE WESTERN SECTORS OF BERLIN AND THE FRG.

12. PREVIOUS ASSESSMENTS HAVE HIGHLIGHTED
SEVERAL PROBLEM AREAS CONCERNING THE TIES, IN PARTICULAR
THE FEDERAL PRESENCE IN BERLIN AND THE EXERCISE BY THE
FEDERAL REPUBLIC OF ITS RESPONSIBILITIES FOR REPRESENT-
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ING THE INTERESTS OF THE WESTERN SECTORS OF BERLIN
ABROAD. OF PARTICULAR CONCERN HAS BEEN THE SOVIET
ATTEMPT TO PORTRAY AS "ILLEGAL" THE INCLUSION OF BERLIN
IN DEVELOPMENTS WITHIN THE EUROPEAN COMMUNITY.

13. (BEGIN UK BRACKETS) WHILE CONTINUING THEIR
ATTACK ON BERLIN'S TIES WITH THE FEDERAL REPUBLIC, THE
SOVIET UNION AND THE GDR IN THE PAST FEW MONTHS HAVE ALSO
TAKEN ACTION WHICH HAS A MORE DIRECT IMPACT ON ALLIED
RIGHTS AND RESPONSIBILITIES. (END UK BRACKETS)

COMMENT: THE UK WOULD LIKE THE ABOVE PARAGRAPH TO
READ AS FOLLOWS:

WHILE CONTINUING THEIR ATTACK ON BERLIN'S
TIES WITH THE FEDERAL REPUBLIC, THE SOVIET UNION
AND THE GDR HAVE IN THE PAST FEW MONTHS MADE
STATEMENTS AND, IN THE CASE OF THE GDR, TAKEN
MEASURES PURPORTING TO SHOW THAT ALLIED RIGHTS AND
RESPONSIBILITIES ARE EXERCISED ONLY IN THE WESTERN
SECTORS OF BERLIN AND NOT IN BERLIN AS A WHOLE
(I.E., IN THE OLD GREATER BERLIN).

14. THE GDR, WITH SOVIET CONSENT AND CLEAR VERBAL
SUPPORT, HAS SOUGHT TO PROVE THAT "THE RELEVANT AREA"
OF THE QA DOES NOT INCLUDE THE EASTERN SECTOR OF
BERLIN. ITS FORMAL STATEMENTS HAVE MADE CLEAR THAT
SUCH MEASURES AS THE CHANGE IN VISA PROCEDURES, THE
EXTENSION OF THE GDR ROAD USE TAX TO VEHICLES
ENTERING THE EASTERN SECTOR OF BERLIN, THE TERMINATION
OF THE "LEGAL GAZETTE FOR GREATER BERLIN,"
AND THE REMOVAL OF POLICE CHECKPOINTS ON THE BORDER
BETWEEN THE EASTERN SECTOR AND THE GDR WERE ALL DESIGNED
TO ELIMINATE THE DISTINCTIONS BETWEEN THE EASTERN

SECTOR OF BERLIN AND THE GDR.

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15. THE SOVIET DEMARCHE REQUESTING TERMINATION OF ALLIED MILITARY PATROLS IN THE EASTERN SECTOR OF BERLIN IS A MORE SERIOUS EFFORT TO SHOW THAT ALLIED RIGHTS AND RESPONSIBILITIES ARE LIMITED TO THE WESTERN SECTORS. (BEGIN UK BRACKETS) THIS INITIATIVE IS A STRAIGHTFORWARD CONTINUATION OF THE POLICY OF THE SOVIET UNION WHICH AIMS AT CHANGING TO ITS ADVANTAGE THE STATUS OF THE CITY. (END UK BRACKETS) FOR US OURSELVES TO LIMIT ALLIED PATROLS IN THE EASTERN SECTOR OF BERLIN, AS WE ARE ASKED TO DO, WOULD BE TO ENCOURAGE THE SOVIET UNION AND THE GDR TO GO FURTHER.

COMMENT: THE LAST TWO SENTENCES OF THE ABOVE PARAGRAPH REPRESENT FRENCH ADDITIONS WHICH WERE ACCEPTED AD REF BY THE US AND FRG REPS. THE UK REP FELT UNABLE TO ACCEPT THE BRACKETED SENTENCE BUT WAS PREPARED TO RECOMMEND ACCEPTANCE OF THE FINAL SENTENCE.

16. IT IS NOT DIFFICULT TO UNDERSTAND THAT IT IS THE CONTINUING WISH OF THE GDR TO ELIMINATE THE LAST REMAINING FEATURES WHICH UNDERMINE ITS CLAIM THAT THE EASTERN SECTOR OF BERLIN IS AN INTEGRAL PART OF ITS TERRITORY. IT IS LESS CLEAR WHY THE SOVIET UNION ACQUIESCED AT THIS PARTICULAR TIME IN THE MEASURES TAKEN BY THE GDR IN RECENT MONTHS. THERE ARE SEVERAL POSSIBILITIES:

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-- (A) A CONVICTION THAT THE ALLIES AND THE FRG WOULD NOT REACT, EITHER BECAUSE THE INDIVIDUAL MEASURES WERE SO MINOR IN THEMSELVES, OR BECAUSE ECONOMIC AND POLITICAL PROBLEMS ON THE WESTERN SIDE, INCLUDING PREOCCUPATION WITH ELECTIONS IN THE US AND THE FRG, MAY HAVE REDUCED THE LIKELIHOOD, AS ASSESSED BY MOSCOW, OF STRONG REACTIONS DURING THE PAST FALL AND WINTER.

-- (B) THEIR KNOWLEDGE THAT THE INDIVIDUAL MEASURES WERE BEYOND THE PHYSICAL REACH OF THE ALLIES AND COULD NOT BE DIRECTLY PREVENTED.

-- (C) INTERNAL PROBLEMS IN THE GDR. MOSCOW MAY HAVE AGREED THAT A BOOST TO GDR CLAIMS OF SOVEREIGNTY OVER ITS OWN TERRITORY WOULD INCREASE RESPECT FOR THE REGIME AND WOULD, LIKE FURTHER MEASURES TO DETER EMIGRATION, SERVE TO DAMPEN BUDDING INTERNAL DISSENT.

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-- (D) A NEED TO COMPENSATE THE GDR FOR MEASURES TAKEN OR TO BE TAKEN BY THE SOVIET UNION AT EAST GERMAN EXPENSE -- E.G., IN CEMA ECONOMIC RELATIONS OR IN INTERNATIONAL NEGOTIATIONS.

-- (E) A DESIRE TO REMIND THE WEST THAT BERLIN REMAINS VULNERABLE TO SOVIET PRESSURES -- CONCEIVABLY IN RETALIATION FOR WHAT THE SOVIETS REGARD AS UNACCEPTABLE FEDERAL ACTIVITIES IN BERLIN OR AS AN UNSATISFACTORY RESPONSE TO SOVIET EFFORTS (AS EMBODIED PARTICULARLY IN THEIR STRONG DECLARATION OF LAST AUGUST) TO INFLUENCE ALLIED DECISIONS ON BERLIN'S FUTURE RELATIONSHIP TO THE EC.

-- (F) PERHAPS EVEN A CONVICTION THAT THE NATURAL

LIMITS TO EXPANSION OF THE FRUITS OF DETENTE HAVE ALREADY BEEN REACHED, AND THAT THERE IS THEREFORE NO REASON TO DELAY LONGER THE SYSTEMATIC EFFORTS TO MOVE THE BERLIN PROBLEM CLOSER TO SOLUTION.

C. IMPLICATIONS FOR WESTERN POLICY

17. THERE CAN BE NO DOUBT THAT THE SOVIET DEMAND THAT ALLIED PATROLS IN THE EASTERN SECTOR OF BERLIN SHOULD CEASE SHOWS A DESIRE ON THEIR PART TO CURTAIL ALLIED RIGHTS. THE MEASURES TAKEN BY THE GDR, ON THE OTHER HAND, HAVE INDIVIDUALLY BEEN OF LIMITED IMPORTANCE AND DIFFICULT TO CONTEST AS SPECIFIC VIOLATIONS OF QUADRIpartite AGREEMENTS OR UNDERSTANDINGS. SOVIET OFFICIALS HAVE BEEN AT PAINS TO ARGUE THAT THE RIGHTS AND RESPONSIBILITIES OF THE THREE POWERS HAVE NOT BEEN AFFECTED. (BEGIN UK BRACKETS) BUT THE SOVIET AUTHORITIES ARGUE THAT A GREATER BERLIN WITH A SPECIAL STATUS NO LONGER EXISTS AND THAT THE EASTERN SECTOR OF BERLIN IS AN INTEGRAL PART OF THE SOVEREIGN TERRITORY OF THE GDR. (END UK BRACKETS) THEY CLAIM TO HAVE

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ABDICATION WHAT WE CONTEND ARE THEIR RESPONSIBILITIES IN THE EASTERN SECTOR OF BERLIN. THEY ASSERT, MOST RECENTLY IN THEIR NOTE OF MARCH 10, THAT THE QA CONFIRMED THE POSITION WHICH THEY HAD PRESSED DURING THE NEGOTIATIONS: THAT THE SUBJECT MATTER OF THAT AGREEMENT WAS THE WESTERN SECTORS OF BERLIN ONLY.

COMMENT: THE UK WOULD LIKE THE BRACKETED SENTENCE IN THE ABOVE PARAGRAPH TO READ AS FOLLOWS:

THE SOVIET AUTHORITIES HAVE CONTINUED TO CONTEST THE ALLIED ARGUMENT THAT THERE IS A GREATER BERLIN WITH A QUADRIpartite STATUS AND THEY INSIST THAT THE EASTERN SECTOR OF BERLIN IS AN INTEGRAL PART OF THE SOVEREIGN TERRITORY OF THE GDR.

18. THE DANGERS FOR THE WESTERN SIDE CAN BE DEFINED AS FOLLOWS:

-- (A) THE SOVIET UNION HAS FOR MANY YEARS CLAIMED THE RIGHT TO TRANSFER TO THE GDR CERTAIN OF ITS RIGHTS AND RESPONSIBILITIES IN EAST BERLIN. THERE IS NO LOGICAL END TO THIS PROCESS SHORT OF ALLOWING THE GDR FULL SOVEREIGNTY IN EAST BERLIN AND IN THE TERRITORY OF EAST GERMANY. THE PRESENT AIM OF THE SOVIET UNION AND THE GDR APPEARS TO BE TO ACHIEVE THE IMPRESSION OF

COMPLETING THE COMPETENCE OF THE GDR IN EAST
BERLIN. ONCE THE FREE MOVEMENT OF ALLIED MILITARY

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PERSONNEL IN EAST BERLIN HAD BEEN REMOVED, THE ALLIED
POSITION WOULD HAVE BEEN UNDERMINED AND THE WAY OPENED
TO ATTACKS ON THE OTHER AREAS VITAL TO THE PRESENCE OF
THE THREE WESTERN POWERS -- THE SURFACE ACCESS ROUTES,
THE BERLIN AIR CONTROL ZONE, AND THE AIR CORRIDORS.

-- (B) THE SOVIET UNION AFFIRMED IN THE QA THAT
QUADRIPARTITE RIGHTS AND RESPONSIBILITIES STILL EXIST.
TO THE EXTENT THAT THEY CAN DEMONSTRATE THAT THESE
RELATE ONLY TO THE WESTERN SECTORS OF BERLIN, THE SOVIET
AUTHORITIES WOULD BE STRENGTHENING THEIR LONG-STANDING
CLAIM THAT THEY MUST BE CONSULTED ON DECISIONS CONCERN-
ING THE WESTERN SECTORS.

-- (C) THE TACTICS OF THE SOVIET UNION AND THE
GDR HAVE THE EFFECT OF GRADUALLY INCREASING THE
COMPETENCE OF THE GDR, THUS MAKING THE DIVISION OF
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RESPONSIBILITIES IN AND FOR BERLIN LESS CLEAR-CUT. SUCH A BLURRING OF RESPONSIBILITIES COULD LEAD TO A REPLACEMENT OF THE PRESENT EXCLUSIVE RELATIONSHIP BETWEEN THE THREE ALLIES AND THE SOVIET UNION ON MATTERS SUCH AS ACCESS BY NEW ARRANGEMENTS TO WHICH THE GDR WAS A PARTY. IT WOULD IN THAT CASE BE DIFFICULT FOR THE THREE ALLIES TO MAINTAIN THE PRESENT SITUATION BASED ON THE ORIGINAL RIGHTS OF THE FOUR POWERS; IT WOULD INCREASINGLY APPEAR THAT THEY WERE EXERCISING THEIR RIGHTS ONLY AT THE SUFFERANCE OF THE GDR IN THE CONTEXT OF A QUASI-CONTRACTUAL RELATIONSHIP WITH THE GDR. THIS COULD LEAD TO THEIR PRESENCE IN BERLIN BEING PUT IN QUESTION.

19. THE SOVIET AUTHORITIES ARE THUS SEEKING TO UNDERMINE QUADRIpartite RIGHTS AND RESPONSIBILITIES IN BERLIN NOT BY DIRECTLY CHALLENGING THEIR EXISTENCE BUT BY QUESTIONING THEIR ORIGIN AND EXTENT. THEY ASSERT THAT THE ALLIED PRESENCE RESTS NOT ON ORIGINAL RIGHTS IN AN AREA DEFINED IN 1944 BUT ON QUADRIpartite AGREEMENTS WHICH, ACCORDING TO THEM, HAVE LOST THEIR RELEVANCE EXCEPT INsofar AS THEY APPLY TO THE WESTERN SECTORS OF BERLIN. IF THIS POINT OF VIEW WERE TO BE CONCEDED THE WESTERN POSITION IN BERLIN WOULD HAVE LOST ITS LEGAL BASIS AND HAVE BECOME NEGOTIABLE BETWEEN THE SOVIET UNION AND THE WESTERN ALLIES.

D. PROBLEMS FOR THE FUTURE

20. DESPITE THE RHETORIC, THERE REMAIN CERTAIN DISTINCTIONS BETWEEN THE EASTERN SECTOR OF BERLIN AND THE GDR, SUCH AS THE INDIRECT ELECTIONS OF EAST BERLINERS IN THE VOLKSKAMMER, WHICH BELIE THE CLAIMS OF THE GDR TO FULL SOVEREIGNTY OVER ITS "CAPITAL." THE MOST IMPORTANT OF THE RESTRICTIONS REMAINING ON GDR SOVEREIGNTY IN ITS "CAPITAL" IS THE FREE CIRCULATION

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THERE OF ALLIED FORCES PERSONNEL.

21. UNCERTAINTY AS TO SOVIET MOTIVES FOR PERMITTING THE MEASURES RECENTLY TAKEN BY THE GDR MAKES IT DIFFICULT TO DETERMINE WHETHER OR NOT THE SOVIET AUTHORITIES INTEND TO TAKE ACTION TO STOP ALLIED FLAG PATROLS. BECAUSE OF THEIR HIGH VISIBILITY, THE

PATROLS -- EVEN MORE THAN THE ACCESS ROUTES AND THE AIR CORRIDORS -- SERVE TO UNDERCUT THE CREDIBILITY OF THE GDR REGIME IN THE EYES OF THE EAST GERMAN POPULACE AND THE GROWING INTERNATIONAL COMMUNITY IN BERLIN. MOREOVER, SOVIET PRESTIGE IS INVOLVED IN A DEMAND OF THIS NATURE, AND IT THUS CANNOT BE EXCLUDED THAT THEY INTEND TO IMPLEMENT THEIR WORDS WITH DEEDS.

22. ON THE OTHER HAND, THE SOVIET AUTHORITIES MUST HAVE CALCULATED THAT THEIR DEMARCHES WOULD BE REJECTED AND THAT ANY FORCEFUL INTERFERENCE WITH THE PATROLS COULD LEAD TO A CONFRONTATION. IT SEEMS IMPROBABLE THAT THEY WOULD DESIRE SUCH A CONFRONTATION AT THIS TIME. IT MAY BE RELEVANT THAT THEY HAVE LAID SOME EMPHASIS ON THEIR DESIRE TO KEEP THE DEMARCHES CONFIDENTIAL AND IT IS POSSIBLE THAT THEIR DEMARCHES, MADE AT GDR INSISTENCE, WERE ONLY FOR THE RECORD. THEY COULD HAVE REALIZED THAT THEY HAD LITTLE TO LOSE: IF THE ALLIES AGREED, SO MUCH THE BETTER; IF NOT THEY COULD STILL DEMONSTRATE TO THE GDR THAT THEY HAD MADE THE EFFORT. MOSCOW MIGHT EVEN HOPE TO USE ITS

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DEMAND AS A BARGAINING COUNTER, PARTICULARLY IF ITS AIM IS QUADRIPARTITE CONSULTATIONS.

23. THE ALLIED AND FRG REACTION TO THE MEASURES TAKEN THUS FAR BY THE GDR HAS BEEN TWOFOLD: MAKING OUR LEGAL POSITION CLEAR THROUGH PROTESTS AND PUBLIC STATEMENTS, AND ATTEMPTING TO DETER ADDITIONAL MEASURES THROUGH WARNINGS OF THE CONSEQUENCES FOR BILATERAL RELATIONS. THE THREE POWERS HAVE REJECTED THE SOVIET DEMAND FOR ELIMINATION OF THE FLAG PATROLS. WHAT IS NECESSARY AT THIS POINT IS FULLER CONSIDERATION OF OUR OWN FUTURE POLICIES. SEVERAL QUESTIONS MAY BE EXAMINED IN THIS CONNECTION:

-- (A) GIVEN THE INTEREST OF THE WESTERN SIDE IN THE QUADRIPARTITE AGREEMENT, THERE ARE NARROW LIMITS TO THE TYPES OF COUNTERMEASURES WHICH COULD BE TAKEN IN BERLIN ITSELF; WHAT MEANS DO THE ALLIES AND THE FRG HAVE AT THEIR DISPOSAL (1) IN BERLIN AND (2)

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ELSEWHERE FOR EXERTING THE NECESSARY PRESSURES TO DETER FUTURE MEASURES BY THE USSR AND THE GDR?

-- (B) HOW SHOULD THE THREE POWERS AND THE FRG PROCEED IN THEIR BILATERAL RELATIONS WITH THE GDR? TO WHAT EXTENT IF AT ALL SHOULD THE GDR BE REGARDED AS A RIGHTFUL INTERLOCUTOR ON BERLIN MATTERS? WOULD THE GDR BEST BE INFLUENCED BY AN ACCELERATION IN THE NORMALIZATION OF THESE RELATIONS, SO THAT ITS OBJECTIVE INTEREST IN NOT CREATING PROBLEMS IN BERLIN WOULD BE INCREASED, OR, ON THE OTHER HAND, BY BEING ISOLATED AS THE PRICE OF THE INITIATIVES IT HAS ALREADY TAKEN IN BERLIN?

-- (C) ARE THERE OTHER WAYS, IN ADDITION TO HIGH-LEVEL BILATERAL DEMARCHES, OF MAKING CLEAR TO THE SOVIET UNION THAT THE THREE POWERS AND THE FRG CONSIDER BERLIN A DECISIVE ELEMENT IN THE EVOLUTION OF BILATERAL AND EAST-WEST RELATIONS, AND THAT THERE ARE LIMITS WHICH MAY NOT BE CROSSED?

-- (D) RECOGNIZING THAT, IN CERTAIN CIRCUMSTANCES, THERE CAN BE CONTRADICTIONS BETWEEN THE ADOPTION BY THE ALLIES OF A FIRM POLICY ON BERLIN AND THE IMPROVEMENT OF INNER-GERMAN RELATIONS, HOW CAN THE THREE ALLIES AND THE FRG DEFINE POLICIES WHICH, IF NOT IDENTICAL, ARE AT LEAST COMPATIBLE?

-- (E) FINALLY, HOW ARE THE THREE ALLIES AND THE FRG TO REACT IF DETERRENCE FAILS AND THE SOVIET UNION IN FACT STOPS THE ALLIED PATROLS OR PERMITS THE GDR TO DO SO?

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